

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GEMALTO S.A.,

Plaintiff,

v.

HTC CORPORATION, HTC AMERICA,
INC., EXEDEA, INC., SAMSUNG
ELECTRONICS CO., LTD., SAMSUNG
TELECOMMUNICATIONS AMERICA
LLC, MOTOROLA MOBILITY LLC, and
GOOGLE INC.,

Defendants.

Civil Action No. 6:10-CV-561-LED

JURY TRIAL DEMANDED

JOINT STIPULATION REGARDING AMENDED FINAL JUDGMENT [DKT. 465]

Plaintiff Gemalto S.A. (“Plaintiff”) and Defendants HTC Corporation, HTC America, Inc., Exedeia, Inc., Samsung Electronics Co., Ltd., Samsung Telecommunications America LLC, Motorola Mobility LLC, and Google Inc. (collectively, “Defendants”), by and through their respective counsel, stipulate to the following:

1. On April 15, 2013, this Court granted Defendants’ Motion for Summary Judgment of Non-Infringement of All Asserted Claims (Dkt. 443), which adopted the February 25, 2013, Report and Recommendation of the U.S. Magistrate Judge (Dkt. 433) and overruled Plaintiff’s Objections to the February 25, 2013, Report and Recommendation of the U.S. Magistrate Judge (Dkt. 437). Final Judgment was entered on April 16, 2013. (Dkt. 444.)
2. On May 3, 2013, Plaintiff filed a Notice of Appeal (Dkt. 451), and is in the process of appealing the decision of this Court to the United States Court of Appeals for the Federal Circuit (Case No. 13-1397) (the “Appeal”).

3. On June 27, 2013, this Court granted-in-part Defendants' Motion for Taxation of Costs pursuant to 28 U.S.C. § 1920 and Federal Rule of Civil Procedure 54(d)(1), finding that costs are taxable but deferring a determination on the amount of costs. (Dkt. 459). Pursuant to the Court's Order, the parties met and conferred to reach agreement regarding the amount of costs and filed a notice with the Court reflecting such agreement. (Dkt. 463.)

4. On August 1, 2013, the Court entered an order approving the Agreed Bill of Costs (the "Agreed Bill of Costs"). (Dkt. 464.)

5. On August 5, 2013, the Court entered an Amended Final Judgment (the "Amended Final Judgment") (Dkt. 465) that, among other things, directs Plaintiff to pay Defendants' costs in the amount set forth in the Agreed Bill of Costs.

6. The parties have agreed to stay any proceeding to execute or enforce the Amended Final Judgment against Plaintiff as set forth herein.

7. The parties have also agreed that a supersedeas bond is not necessary to protect Defendants' interests pending Plaintiff's Appeal of this case.

8. Plaintiff agrees that it will pay all costs awarded to Defendants pursuant to the Amended Final Judgment with interest under 28 U.S.C. § 1961(a) within thirty (30) days after the issuance of a mandate from the United States Court of Appeals for the Federal Circuit for Plaintiff's Appeal.

9. Consistent with Local Rule CV-62(a) for the United States District Court for the Eastern District of Texas, the requirement of the posting of a supersedeas bond pending Plaintiff's Appeal is waived.

10. This stipulation will terminate thirty (30) days after the issuance of a mandate from the United States Court of Appeals for the Federal Circuit for Plaintiff's Appeal, unless

Plaintiff posts a supersedeas bond in an amount sufficient to cover the costs awarded to Defendants pursuant to the Amended Final Judgment.

11. This stipulation has no relation to and does not affect any request by Defendants for any future costs, such as costs relating to the Appeal, or any opposition thereto by Plaintiff.

12. This Stipulation represents the entire agreement of the parties to this action regarding the matters set forth herein.

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Dated: August 13, 2013

/s/ Radu Lelutiu (with permission)

Sam Baxter
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
MCKOOL SMITH, P.C.
104 East Houston, Suite 300
Marshall, Texas 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Robert A. Cote
rcote@mckoolsmith.com
Radu Lelutiu
rlulutiu@mckoolsmith.com
Shahar Harel
sharel@mckoolsmith.com
Kevin Schubert
kschubert@mckoolsmith.com
MCKOOL SMITH, P.C.
One Bryant Park, 47th Floor
New York, New York 10036
Telephone: (212) 402-9400
Facsimile: (212) 402-9444

Pierre Hubert
phubert@mckoolsmith.com
Laurie L. Fitzgerald
lfitzgerald@mckoolsmith.com
Geoffrey L. Smith
gsmith@mckoolsmith.com
Todd Bellaire
tbellaire@mckoolsmith.com
Christopher J. Mierzejewski
cmierzejewski@mckoolsmith.com
MCKOOL SMITH, P.C.
300 W. 6th St., Ste. 1700
Austin, Texas 78701
Telephone: (512) 692-8700
Facsimile: (512) 692-8744

Attorneys for Plaintiff Gemalto S.A.

Respectfully submitted,

/s/ David A. Perlson

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
Charles K. Verhoeven
charlesverhoeven@quinnemanuel.com
David A. Perlson
davidperlson@quinnemanuel.com
Sean Pak
seanpak@quinnemanuel.com
50 California Street, 22nd Floor,
San Francisco, California 94111-4788
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON, P.C.
A Professional Corporation
110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597-8311
Fax: (903) 593-0846

Attorneys for Defendants HTC Corporation, HTC
America, Inc., Exedea, Inc., Samsung Electronics Co.,
Ltd., Samsung Telecommunications America LLC,
Motorola Mobility LLC, and Google Inc.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 13th day of August, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

By /s/ Kristin J. Madigan
Kristin J. Madigan